

**City of Dover Conservation Commission**  
**Minutes for June 6, 2005**  
**5:30PM, City Hall, Council Conference Room**

Members present: Tom Fargo, Chair; Marcia Colbath, Vice Chair; Dona Layton; Susan Eisler; Ed Millman

Members absent: Bill McCann, Secretary; Alban Lobdell

Meeting called to order at 5:35 PM

**Public Hearing**

In accordance with RSA 36-A:5, a public hearing was opened for the purpose of receiving input on a proposal to expend funds from the Conservation Fund to purchase a conservation easement on a parcel of land owned by the Edith Holley Revocable Trust, located on Sixth Street. The parcel is known as Map A, Lot 27 on Dover tax maps.

**Discussion:**

Anna Boudreau of the OLC gave an overview of the project. She described the parcel as a 192 acre farm located in Dover and Rochester, NH of which 187 acres were being proposed for conservation. The funds being sought were to preserve 138.5 acres located in Dover.

The City of Dover's Open Lands Committee, in conjunction with the Strafford County Conservation District, applied for funds from the Federal Farm and Ranchland Protection Program (FRPP) to finance the conservation a 127.5 acre portion of the Jenness Farm. The goal of the project is to place a perpetual conservation easement (CE) on the land to prevent conversion from agricultural use. This phase of the project is to protect the area north of Sixth Street/Pickering Road in Dover. The FRPP Grant matches up to 50% of the appraised conservation easement value of the property.

*Breakdown of Values in the Appraisal and FRPP Application:*

- A. \$1,280,000 = Total CE Value, Dover and Rochester, north and south side of road.
- B. \$1,024,000 = Total CE value for north side only, Dover and Rochester (FRPP value)
- C. \$512,000 = Total amount requested on FRPP application (50% of B)
- D. \$500,000 = Total amount approved by the FRPP (\$12,000 shortfall)  
\$737,280 = Total value for Dover side only.
- E. \$368,640 = 50% of D, amount Dover is responsible for contributing.
- F. \$368,000 plus an additional \$12,000 = \$380,640 request from the Dover Conservation fund plus additional miscellaneous closing costs.

The OLC voted unanimously in favor of the project at their May 5, 2005 meeting.

**Significant Conservation Attributes**

- Productive agricultural land for current and future agricultural use: The land is currently actively farmed and contains approximately 95 acres of highly productive agricultural fields, all of whose soils are classified as prime, statewide or locally important soil types.
- Productive forest land – Half of the property contains highly productive woodlands, and is a certified New Hampshire Tree Farm. A selective cut was done in 1998 and the woodland is currently being managed by a licensed forester for timber production and wildlife habitat improvement.
- Ecological and habitat value – The Jenness Farm has wetlands and beaver ponds, 3200 ft. along Clark Brook and a “Southern New England stream bottom forest” identified by the N.H. Natural Heritage Inventory as an “exemplary natural community.”
- Scenic and public recreational use – The property includes 1,400 ft. of highly scenic road frontage, across sweeping fields on both sides of Sixth St./Pickering Rd. The landowner currently allows pedestrian public access for such activities as hunting, fishing, and hiking, with permission.

- Protection of drinking water supplies – Ninety percent of the property overlies an identified fractured bedrock aquifer, and a portion falls within a “secondary groundwater protection zone for the City of Dover’s Cotton (Blackwater Road) Well.
- Historic Value – The N.H. Division of Historical Resources nominated the entire property to the National Register of Historic Places and it was approved and listed on March 2, 2001.

Public Input:

- Joyce El Kouarti made note that the Dover portion of the property would be conserved at a cost of approximately \$2700 per acre and that was a great value.
- Mr. Day (an abutter) asked what could be done with the property. Joyce El Kouarti explained- farming activities were allowed and that houses wouldn’t be growing there.
- Mrs. Tsmiclies (an abutter) wanted to know what affect the easement would have on her property value and would Mrs. Holley still own her property. Joyce explained Mrs. Holley would retain ownership of her land and the conservation easement historically adds value to adjacent properties.

Chairman Fargo closed the public hearing and stated that the Commission would vote to make a recommendation for the City Council’s action later in the meeting. Fargo noted that the public would have an opportunity to provide comments to the City Council prior to their authorization of the expenditure, assuming the Commission made such a recommendation.

Regular Monthly Meeting:

1. RE: Approval of May 2<sup>nd</sup> minutes.  
**Chairman Fargo explained he only had a draft of the May 2<sup>nd</sup> minutes. No vote took place.**
2. RE: May 16<sup>th</sup> minutes.  
**Chairman Fargo explained he had not yet received a draft due to a misplaced computer disk. No vote was taken.**
3. RE: Tax Map M, Lot 101, Considering an application by Barry Williams, 196 Middle Road, Dover, for an **after-the-fact** Standard State of New Hampshire Dredge and Fill Permit and a City of Dover Conditional Use Permit to impact 360 square feet of wetlands to construct a driveway for a three-unit residential subdivision to be located off Middle Road.

Discussion: The Commission reviewed photos and site plans included in the NHDES application. Mr. Williams explained he had constructed a driveway without realizing he needed a wetlands permit for the culvert beneath the end of the driveway where it intersects Middle Road. He had checked with City Engineering Dept. and got a driveway permit. The culvert constructed is considered more that adequate to meet the needs of a proposed three unit residential subdivision that will be used the common access point.

**Susan Eisler made a motion to endorse the application. Dona Layton seconded. Vote- unanimous.**

4. RE: Tax Map L, Lot 45B, Considering an application by Reece Allards, 185 Spur Road, Dover, for a Standard State of New Hampshire Dredge and Fill Permit to reconstruct an existing dock structure with a 21 x 4 ft. fixed pier, a 16 x 3 ft. ramp, and a 9 x 10 ft. floating dock at the subject address.

Discussion: The Commission reviewed photos and site plans included in the NHDES application. Reese Allard was represented by Ray Bardwell who explained the existing dock was approximately 35 years old and in disrepair. The replacement dock is proposed be basically the same size at the same location, essentially a replacement in-kind. Mr. Bardwell stated that he would be doing the construction and that all construction work requiring excavation would be done at low tide.

Chairman Fargo questioned the distance between this dock and applicant to agenda item #5 Franklin Biehl. Mr. Biehl, who was also present, explained that the docks would be approximately 62 ft. apart which was well within the State regulation.

Mr. Bardwell asked the Commission to consider waving our right to reconsider the application, to minimize the time required for the State to process the application.

**Susan Eisler made a motion to endorse the application and wave our right to reconsider. Ed Millman seconded the motion. Vote – unanimous.**

5. RE: Tax Map L, Lot 45C, Considering an application by Franklin Biehl, 183 Spur Road, Dover, for a Standard State of New Hampshire Dredge and Fill Permit to construct a new dock structure consisting of a 21 x 4 ft. fixed pier, a 16 x 3 ft. ramp, and a 8 x 12 ft. floating dock at the subject address.

Discussion: The Commission reviewed photos and site plans included in the NHDES application. Chairman Fargo brought to Mr. Biehl's attention that on his application to the State he had used the same lot # as Mr. Allard and that this would cause some confusion. Mr. Biehl stated that he had found his lot as Lot 45B on Tax Map L. Fargo suggested that Mr. Biehl to double check at City Hall and let the DES know, since both applications were referenced by the Wetlands Bureau as Map L, Lot 45B.

Mr. Biehl explained the dock would be 62 ft. from Reese Allards dock and that the dock was almost identical to Mr. Allards.

Edward Millman questioned Mr. Biehl why he wanted to do this now? He stated that when he was informed that Mr. Allard was applying for a permit to reconstruct his dock, he just felt it was the right time. He used the Allard application as a guide to develop his own application. Ed then questioned who would be constructing the dock? Mr. Biehl stated that he intended to do the construction. Some concern was expressed about his ability to complete the construction in an environmentally sensitive manner. Mr. Biehl stated that he would follow all environmental protection requirements.

**Dona Layton made a motion to endorse the application. Susan Eisler seconded the motion. Vote 3 to endorse, Ed Millman opposed.**

6. RE: Tax Map D, Lot 5, Considering an application by the City of Dover Recreation Department, 6 Washington Street, Dover for a State of New Hampshire Wetlands Bureau Permit by Notification to construct a recreational walking trail and an associated bridge at the Sullivan Drive recreation area.

Discussion: The Commission reviewed photos and site plans included in the NHDES application. Gary Bannon & Gregg Estes, of the City's Recreation Dept. explained to the Commission the background on the trail project. In 1996 (?) the developer of the Sullivan Drive subdivision had agreed to build a baseball field and associated hiking trail linking Sullivan Drive with Maplewood Avenue. The ballfield was constructed but the proposed trail was never completed. Based on wetlands impact considerations, and in response to opposition from Maplewood Ave residents, the trail has been redesigned as a loop originating and terminating at the ballfield. The proposed trail will cross one wetland where there would be a 35 ft. bridge. Mr. Bannon explained that a Boy Scout had developed plans for the bridge as part of his Eagle Project. The plan is to construct the bridge using pressure treated wood.

The Commission reviewed plans for the bridge structure. Marcia Colbath asked that the trail be made as accessible as possible. Discussion took place as to the width and sub-structure of the proposed bridge. Chairman Fargo suggested modeling the bridge after what was built for the public by the Great Bay Estuary Research Reserve at the Sandy Point Discovery Center in Stratham (a federally subsidized agency). Fargo also suggested that the Rec. Dept. consider getting Professional Engineering approval for facilities that will be used by the public.

**Motion by Susan Eisler to endorse. Seconded by Dona Layton. Motion amended with the recommendation to look at alternative designs for bridging. Vote – unanimous.**

7. RE: Informational presentation regarding a Wetlands Restoration Plan submitted by New Hampshire Soil Consultants to correct 1,380 square feet of un-permitted wetlands impacts at the New Hampshire Equine Medical & Surgical Center, Indian Brook Drive ( Map D, Lot 17 ).

No representative present. Chairman Fargo noted that Alan Dues from the City's Engineering Dept. realized the impact was beyond permitted area. Wetland restoration is reportedly underway and representative chose to not attend following advise of City staff.

8. Informational presentation regarding a site development plan for Liberty Mutual Insurance Company to construct a 350,000 square foot office building and 1,700 space parking lot off Indian Brook Drive and Sixth Street. Applications for approximately 42,000 square feet of wetlands impact will be filed 6/6/05.

Michael P. Kearns – Director of Design and Construction

Daniel R. Quinn – Meredith & Grew Real Estate Services

R. Gordon Leedy – Managing Director Land Development – Vanasse Hanagen & Brustlin, Inc.

William J. Barry – Senior Ecologist & NEPA Specialist

- Presentation was made in regard to a \$47 million expansion project for Liberty Mutual on land off Sixth Street. Project includes a proposed 350,000 square ft. building and landscaping similar to existing campus. LEED certification being pursued.
- 41,800 square ft. of impact proposed including an access road crossing Indian Brook.
- 1,700 parking spaces, portion of which is raised 2-level deck
- Stormwater run-off to catch basins, Vortech treatment, then subsurface galleries with perforated bottoms. Next to sedimentation basin, treatment swales, then controlled overland flow to Cochecho River. Roof drains directly to detention basin.

Susan Eisler expressed concern over limiting pesticide and fertilizer run off. She suggested planting a more natural landscaping scheme. The applicant stated that Liberty Mutual has expectations for a certain level of a more formal or manicured landscape. The proposed plantings do become less formal away from the buildings.

Chairman Fargo stated for the record that his wife works for Liberty Mutual and will likely be transferred to the new facility when it is built. Fargo stated that he had the Planning Director and City Attorney review his situation relative to conflict of interest. He was advised that he could lead discussions but that he should not vote. Attorney Mc Neil concurred on behalf of the applicant. Because of his familiarity with Liberty Mutual facilities, Fargo stated that he is concerned about water quality impacts caused by salt runoff that would not be addressed by the proposed stormwater treatment system.

Fargo also expressed concern about decreasing the proposed amount of impervious surface by reducing the demand for parking. He suggested that the applicant consider a private-public partnership to increase the efficiency of planned public transit, perhaps working with the City to provide a shuttle between the downtown intermodal transportation center and the proposed park & ride on Indian Brook Drive.

The applicant requested that the Commission provide timely review of the NHDES application. The Chairman suggested that the Commission could meet for a second June meeting on June 20<sup>th</sup>. Those present agreed. Chairman Fargo asked that all members review the NHDES application before the next meeting.

9. Considering an authorization for expenditure of Conservation Funds to facilitate the purchase of development rights (a Conservation Easement) on the Holley property (Jeness Farm) as described above.

**Susan Eisler made a motion to recommend the expenditure of \$380,640 plus closing costs for the purchase of a conservation easement on the property of Edith Holley. Ed Millman seconded. Vote – unanimous.**

10. Adjournment:

**Ed Millman - made motion to adjourn, seconded by Marcia Colbath; Vote – unanimous.**